

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SOPHIA MENA,

Plaintiff,

v.

BRABBLE, INC., a corporation;
BRABBLETV.COM LLC, a corporation;
JEFFREY DEPALMA, an individual;
PATRICK MACARONIS, an individual;
PETER KAHN, an individual;

Defendants.

Case No. 1:16-cv-04075-WHP

REQUEST FOR CLERK'S CERTIFICATE OF DEFAULT

TO: Ruby J. Krajick, Clerk
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Please enter default of Defendants **Brabble, Inc., BrabbleTV.com LLC, Jeffrey DePalma, Patrick Macaronis, and Peter Kahn** pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend the above-captioned actions as fully appears from the court file herein. Following Entry of Default, Plaintiff will move separately for a Default Judgment in an amount to be determined by the presiding Judge in this case.

Attached hereto is an Affirmation of Penn Dodson, Esq. in support and a proposed certificate of default.

Respectfully submitted, this 13th day of September, 2016.

ANDERSONDODSON, P.C.



Penn Dodson (PD 2244)
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CERTIFICATE OF SERVICE

This is to certify that on this 13th day of **September**, 2016, counsel for the Plaintiff served Plaintiff's **REQUEST FOR CLERK'S CERTIFICATE OF DEFAULT** by US Mail to the Defendants, as follows:

Brabble, Inc.
95 Horatio Street, Apt 215
New York, New York 10014

ANDERSONDODSON, P.C.



Penn A. Dodson (PD 2244)
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Attorney for Plaintiffs

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(212) 961-7639 direct
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ANDERSONDODSON, P.C.



Alexander L. Gastman (AG 8241)
alex@andersondodson.com
Attorney for Plaintiffs

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**DECLARATION of PENN DODSON, ESQ.
in support of
PLAINTIFF'S REQUEST FOR CLERK'S CERTIFICATE OF DEFAULT**

PENN DODSON, an attorney admitted to practice law in this United States District Court, affirms the following to be true under the penalties of perjury:

1. I am a partner in the law firm of AndersonDodson, P.C., counsel of record for Plaintiff Sophia Mena, and as such, am familiar with the facts and circumstances of this action by virtue of a review of the file maintained in this office.
2. I submit this Affirmation in support of the request for the Clerk's Certificate of Default made by Plaintiff against Defendants Brabble, Inc., BrabbleTv.com LLC, Jeffrey DePalma, Patrick Macaronis, and Peter Khan (collectively as "Defendants") based on these Defendants' failure to appear and/or Answer the Summons and Complaint.

3. The Plaintiff's application should be granted because:

- Defendants were served on June 14, 2016;
- Defendants' time to answer has expired;
- Defendants have defaulted in answering;

4. This is an action for damages related to unpaid and underpaid wages owed to Plaintiff Mena.

5. This action was commenced with the filing of a Summons and Complaint as against Defendants on June 1, 2016. [Dkt. 1]

6. On June 14, 2016, the Summons and Complaint were served on Defendants Brabble, Inc. and BrabbleTv.com LCC, by personally delivery upon the general agent of the corporations at 95 Horatio Street, Apt 215, New York, New York 10004. [Dkt. 18 and 19].

7. On June 14, 2016, the Summons and Complaint were served on individual defendants Jeffery Depalma, Patrick Macaronis, and Peter Kahn, by delivering a copy of the Summons and Complaint to Justin "Smith" (Smith being fictitious last name as the individual accepting service refused to state his true last name) a co-worker of the individual defendants and general agent of the Defendant corporations. The Summons and Complaint were also served by mailing the same, in a postpaid properly addressed wrapper, to the individual defendants' actual place of business, to wit C/O Brabble, Inc. 95 Horatio Street, Apt 215, New York, New York 10014. [Dkt. 20-22]

8. The time for Defendants to Answer or otherwise respond to the Complaint expired on July 5, 2016.

9. To date, Defendants have failed to respond to Plaintiff's Summons and Complaint, have not filed an Answer to the Complaint (or other responsive pleading), and have not moved for a protective order within the time prescribed by law.

10. Accordingly, the time for Defendants to enter a responsive pleading or otherwise move has passed, and they are in default. Intervention of the Court is required.

11. No party hereto is an infant or incompetent, nor is engaged in military service, or a member of the military.

WHEREFORE, it is respectfully requested that this Court grant Plaintiff's request to enter default against the Defendants **Brabble, Inc., BrabbleTV.com LLC, Jeffrey DePalma, Patrick Macaronis, and Peter Kahn** for failure to respond to Plaintiff's Summons and Complaint by Service of an Answer or other responsive pleading, and to issue a Clerk's Certificate of Default.

Dated: New York, New York

This 13th day of September, 2016.

ANDERSONDODSON, P.C.



Penn Dodson (PD 2244)

penn@andersondodson.com

Attorney for Plaintiff

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CLERK'S CERTIFICATE OF DEFAULT

I, Ruby J. Krajick, Clerk of the United States District Court for the Southern District of New York, do hereby certify that the docket entries in the above action entitled action indicate that Defendants **Brabble, Inc.**, **BrabbleTV.com LLC**, **Jeffrey DePalma**, **Patrick Macaronis**, **and Peter Kahn** were served with a copy of the Summons and Amended Complaint on June 14, 2016 via personal delivery and mailing.

I further certify that the docket entries indicate that the above listed Defendants have not filed an Answer or otherwise moved with respect to the Complaint herein.

The Default of Defendants **Brabble, Inc.**, **BrabbleTV.com LLC**, **Jeffrey DePalma**, **Patrick Macaronis**, **and Peter Kahn** are hereby noted.

Dated: _____, 2016.

Ruby J. Krajick, Clerk of Court